

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

THE ESTATE OF EVANGELINA
MACIAS, an individual, ANNA LAURA
MACIAS, MARIA DE JESUS MACIAS,
and VICTOR MACIAS, individually and
as co-successors in interest of decedent
Evangelina Macias,

Plaintiffs,

v.

WASTE MANAGEMENT HOLDINGS,
INC., a corporation, WASTE
MANAGEMENT SAFETY SERVICES,
LLC, a limited liability company, and
DOES 1–50, inclusive,

Defendants.

No. C 14-01532 WHA

ORDER RE GREG WEISS

Greg Weiss is hereby **ORDERED** to return to the office of plaintiffs' counsel to complete his deposition, which will begin on **DECEMBER 2, 2014 AT 11 A.M.** This date will remain in place unless Mr. Weiss *and* counsel for both sides all agree in writing in advance to change the December 2 deposition date to another. At Mr. Weiss' deposition, defendants' counsel will have three hours air time (including one ten-minute break). The parties may then take another break before plaintiffs' counsel depose Mr. Weiss for another hour. Mr. Weiss is advised that he may bring his lawyer to this deposition, and that if he leaves before the deposition is over or fails to appear or fails to answer proper questions, he may risk contempt of the Court. There will be no

1 reimbursement for Mr. Weiss' time in completing this deposition, and he will pay his own costs
2 to travel to and from this deposition.


3 Moreover, no "Loyalty and Confidentiality Agreement" that Mr. Weiss signed with
4 Waste Management National Services will be used to silence him and prevent him from
5 answering questions at his deposition, although answers may be placed under a protective order.

6 Nevertheless, under Federal Rule of Civil Procedure 26(b)(3), there may be possibly
7 some limited qualified protection for information prepared in anticipation of litigation or for
8 trial. Even so, Mr. Weiss must answer foundational questions bearing on the applicability (or
9 not) of any such protection. Mr. Weiss must also answer questions regarding other litigation or
10 disputes involving, for example, defendants or defendants' affiliate companies, because such
11 questions would go to potential impeachment and/or bias.

12 Finally, this order finds that communications between Mr. Weiss and plaintiffs' counsel
13 are not attorney-client or otherwise privileged for purposes of this action.

14
15 **IT IS SO ORDERED.**

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17 Dated: November 19, 2014.



WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE